

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

MORRIS K. HINTON, JR.,

Petitioner,

v.

**WARDEN, CHILLICOTHE
CORRECTIONAL INSTITUTION,**

Respondent.

Case No. 1:19-cv-977

JUDGE DOUGLAS R. COLE

Magistrate Judge Bowman

ORDER

This cause comes before the Court on the Magistrate Judge’s March 13, 2020, Report and Recommendation (“R&R”) (Doc. 11). The Magistrate Judge recommends the Court dismiss Petitioner’s Petition for a Writ of Habeas Corpus (Doc. 5) for lack of prosecution.

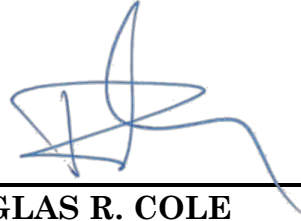
The R&R advised the Petitioner that a failure to object within the 14 days specified by the R&R may result in forfeiture of rights on appeal, which includes the right to District Court review. (*See* Doc. 11, #126). *See also Thomas v. Arn*, 474 U.S. 140, 149–53 (1985) (“There is no indication that Congress, in enacting § 636(b)(1)(C), intended to require a district judge to review a magistrate’s report to which no objections are filed.”); *Berkshire v. Beauvais*, 928 F.3d 520, 530–31 (6th Cir. 2019) (noting “*fail[ure]* to file an objection to the magistrate judge’s R&R ... is forfeiture, not waiver”) (emphasis original); 28 U.S.C. § 636(b)(1)(C). The time for filing objections has passed and none have been filed.

Therefore, the Court **ADOPTS** the Report and Recommendations (Doc. 11) and **DISMISSES** Petitioner's Petition for a Writ of Habeas Corpus (Doc. 5) **WITHOUT PREJUDICE** for lack of prosecution.

SO ORDERED.

April 10, 2020

DATE



DOUGLAS R. COLE
UNITED STATES DISTRICT JUDGE